

Joshua Trigsted  
Oregon State Bar ID Number 06531  
Trigsted Law Group, P.C.  
5200 SW Meadows Rd, Ste 150  
Lake Oswego, OR 97035  
503-376-6774, ext. # 216  
866-927-5826 facsimile  
jtrigsted@attorneysforconsumers.com  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**SHANNON JENNINGS,**

Plaintiff,

vs.

**ENHANCED RECOVERY COMPANY,  
LLC,**

Defendant.

Case No.: 3:12-cv-2352

**COMPLAINT;**

FAIR DEBT COLLECTION PRACTICES  
ACT (15 U.S.C. § 1692a, *et seq.*);

DEMAND FOR JURY TRIAL

---

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

**II. JURISDICTION**

2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 U.S.C. § 1331.

**III. PARTIES**

3. Plaintiff, Shannon Jennings ("Plaintiff"), is a natural person residing in

Washington County, Oregon.

4. Defendant, Enhanced Recovery Company, LLC, (“Defendant”) is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant regularly attempts to collect debts alleged due another.

#### **IV. FACTUAL ALLEGATIONS**

5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

7. All activities of Defendant set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 U.S.C. § 1692a(5).

8. Within the last year, Defendant took multiple actions in an attempt to collect a debt from Plaintiff. Defendant’s conduct violated the FDCPA in multiple ways, including the following.

9. Taking or threatening to take nonjudicial action to effect dispossession or disablement of Plaintiff’s property, where there was no present right to possession of the property claimed as collateral through an enforceable security interest, including twice attempting to take money from Plaintiff’s bank account without authorization (§ 1692f(6)(A)).

10. Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff, including promising to Plaintiff that she would be refunded \$64, which was the amount charged to Plaintiff by her bank due to

having insufficient funds in her account on the dates that Defendant tried to make the unauthorized withdrawals from Plaintiff's account (§ 1692e(10)).

11. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

12. Defendant intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

13. Defendant's actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

14. To the extent Defendant's actions, detailed in paragraphs above, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

#### **COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

15. Plaintiff reincorporates by reference all of the preceding paragraphs.

16. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendant for violations of the FDCPA, §§ 1692f & 1692e.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

A. Declaratory judgment that Defendant's conduct violated the FDCPA;

- B. Actual damages pursuant to 15 U.S.C. 1692k;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Dated this 27<sup>th</sup> day of December, 2012.

By: s/Joshua Trigsted  
Joshua Trigsted  
Trigsted Law Group, P.C.  
5200 SW Meadows Rd, Ste 150  
Lake Oswego, OR 97035  
503-376-6774, ext. # 216  
866-927-5826 facsimile  
Attorney for Plaintiff